

Order

Michigan Supreme Court
Lansing, Michigan

June 11, 2014

Robert P. Young, Jr.,
Chief Justice

149073

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 149073
COA: 310649
Oakland CC: 2011-238930-FC

RAHIM OMARKHAN LOCKRIDGE,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the February 13, 2014 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall address: (1) whether a judge's determination of the appropriate sentencing guidelines range, MCL 777.1, *et seq.*, establishes a "mandatory minimum sentence," such that the facts used to score the offense variables must be admitted by the defendant or established beyond a reasonable doubt to the trier of fact, *Alleyne v United States*, 570 US __; 133 S Ct 2151; 186 L Ed 2d 314 (2013); and (2) whether the fact that a judge may depart downward from the sentencing guidelines range for "substantial and compelling" reasons, MCL 769.34(3), prevents the sentencing guidelines from being a "mandatory minimum" under *Alleyne*, see *United States v Booker*, 543 US 220; 125 S Ct 738; 160 L Ed 2d 621 (2005).


The Prosecuting Attorneys Association of Michigan and the Criminal Defense Attorneys of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 11, 2014


Clerk